

ODP 1725-76

7 SEP 1976

MEMORANDUM FOR: General Counsel

THROUGH : Inspector General

VIA : Deputy Director for Administration

SUBJECT : Assistance to Other Government Components

REFERENCE : a. OGC 76-1949, dtd 27 July 1976, Subject:  
Procedures for Rendering Advice Pursuant  
to HR [ ] Annex E

b. HR [ ] Annex E, Procedures to Obtain  
Approval for CIA Assistance to Other  
Government Components

c. OGC 76-1951, dtd 16 April 1976, Subject:  
Office of Joint Computer Services

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1. The Office of Data Processing (ODP, formerly OJCS) provides assistance to other Government components (and business and academic organizations) that falls into two general categories: the exchange of unclassified technical information related to data processing and computer technology; and the exchange of ADP records containing intelligence information. The purpose of this memorandum is to obtain your approval to continue the exchanges of ADP-related information which are necessary and desirable in the conduct of our business.

2. Paragraph 4 of Reference c states that during a recent survey several legal questions were discussed that need further OGC study or require further OGC guidance to ODP. One of these questions, which is still an open item, is "Restrictions created by Executive Order 11905 and HR [ ] on providing other Government Agencies computer programs and access to computer files of the Agency." The assistance provided by ODP to the Social Security Administration referred to in Reference a is an example of providing another Federal Agency with a computer program and related documentation. The "Brook's Bill" (40 U.S.C. 759) encourages executive agencies of the Federal Government to share and exchange information related to data processing technology to promote increased cost effectiveness in the selection, acquisition and utilization of automatic data processing equipment. The Bill also encourages the use of advanced techniques in the design of data systems and advocates intra-agency and


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interagency integration of systems. Executive Order 11905, Section 5 (e) (2) states "These prohibitions shall not, however, preclude:...(ii) provision of specialized equipment or technical knowledge for use by any other Federal department or agency." It is the opinion of ODP that assistance to other Federal Government Agencies in the form of technical information regarding data processing technology is permitted and encouraged by Federal Law and Executive Order.

3. ODP participates in several groups whose purpose is to promote the exchange of data processing technical and administrative information. These groups fall into three categories: Government ADP committees and user groups, ADP vendor user groups; and ADP professional societies. Examples of the first type of group are the Interagency Committee on ADP (IAC/ADP) and the Federal ADP Users Group (FADPUG). Both of these groups are sponsored by GSA in response to the Brooks Bill and provide a forum for exchanging ADP information and a channel for promulgating ADP regulations, standards, and guidelines. These groups also sponsor ADP special interest groups, such as a group on project management, to promote standard practices. Examples of the second type of group are the GUIDE and SHARE users groups whose membership is limited to organizations with IBM equipment installed or on order. These groups were formed by IBM users to provide a forum for exchanging information related to IBM hardware and software products. GUIDE and SHARE also provide IBM users with a collective voice for communicating with IBM. Other ADP hardware and software vendors have similar user groups. Examples of the third type of group are the Association for Computer Machinery (ACM), the Data Processing Management Association (DPMA), and the IEEE Computer Society. Although ODP is not an organizational member of any ADP professional society, many of our personnel are individual members and attend conventions and seminars sponsored by these societies. It is not uncommon for ODP personnel to make personal contacts at these meetings which result in informal exchanges of technical information.

4. ODP has found that participation in the three types of organizations described in Paragraph 3, is beneficial to the Agency, ODP, and ODP personnel. We believe that our participation is not illegal in any respect and is consistent with the provisions of the Brooks Bill and E.O. 11905. We therefore, request blanket approval for our continued participation in these groups and for the technical assistance to other Government (and non-government) components resulting from this participation.

5. In addition to the exchanges of technical information described above, ODP occasionally provides to other Government organizations ADP records containing intelligence information or computer programs used to solve specific intelligence problems. We provide these ADP records at the request of other CIA components and we are not in a position to judge whether prior approval should be obtained pursuant to HR ☐ Annex E. Hence-  
STATINTL forth, we will require other CIA components that request the  
STATINTL transfer of ADP records to another Government component to provide ODP with a memorandum certifying that the transfer is in compliance with HR ☐ Annex E. A copy of this memorandum will be forwarded by ODP to the DDA, IG, and GC. Upon receipt of the certification, we will release the ADP records as requested. We believe that such procedures will protect ODP from any inadvertent violation of Reference b.

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Clifford D. May, Jr.

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